REPORT TO THE UNION OF NOVA SCOTIA MUNICIPALITIES

RESOLUTIONS AND RESPONSES

1989

Province of Nova Scotia

Canada

UNSM

Nova Scotia
Department of Municipal Affairs

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For a number of years, a consolidated response to all resolutions passed by the Annual Conferences of the Union of Nova Scotia Municipalities has been prepared. These consolidations are, in effect, a report of the manner in which the Province of Nova Scotia has replied to or acted upon matters of concern taken to the various Departments of Government at the direction of the general membership of the Union.

A review and assessment of the material contained on the following pages will identify for the reader the response of the Province to those matters felt to be important to Municipal Government. While replies from the various Ministers are carried in our monthly newsletter as received, the consolidation is nevertheless an invaluable reference piece on many of the previous year's activities and as an ongoing record of the Union's accomplishments and effectiveness in dealing with the Government of the Province.

We are indebted to the Department of Municipal Affairs for their assistance in facilitating the printing of this document.

Ken Simpson

Kenneth R. B. Simpson
Executive Director
Union of Nova Scotia Municipalities

THE UNION OF NOVA SCOTIA MUNICIPALITIES

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PART I ASSESSMENT

Resolution Number: 1(A1)

Submitted By: Municipality of the County of Victoria

MULTIPLE OWNER ASSESSMENTS - SECTION 31 - ASSESSMENT ACT

BE IT RESOLVED that the Assessors be requested to assess all properties owned by more than one person as a unit instead of apportioning the assessment among the owners as separate assessments for the same property;

AND THAT the Union of Nova Scotia Municipalities be requested to review this practice in general and make such recommendation or recommendations to the Minister of Municipal Affairs as it deems appropriate.

Response

Minister of Municipal Affairs

The new OASIS system values the property as one property. It cannot apportion it to the multiple owners because it has to be transferred to the ATR (Administrative Tax Roll) system as a single property. Therefore, property will only be listed once, however, all owners of the property do receive a copy of the assessment notice.

The Department would be very interested in receiving any of the recommendations of the UNSM review of this practice.

Resolution Number: 2(A2)

Submitted By: Municipality of the County of Annapolis (Valley Region)

COLLECTION OF OUTSTANDING TAXES ON PROPERTY REPOSSESSED BY THE NOVA SCOTIA FARM LOAN BOARD

BE IT RESOLVED that the Assessment Act and the Agriculture and Rural Credit Act be amended to make municipal taxes a first charge on the property occupied under an agreement of sale with the Nova Scotia Farm Loan Board subject to appropriate notice to the Board to permit it to pay the taxes to protect its interest in the lands.

Response

Minister of Municipal Affairs

This resolution has been responded to by Nova Scotia Farm Loan Board.

The Joint Committee which reviewed the Assessment Act as it relates to the collection of taxes also reviewed this issue. The Committee recommended that property financed pursuant to an agreement of sale with any Provincial Crown Corporation or agency which retains ownership but does not pay grants-in-lieu of taxes on the property should be subject to a lien for taxes. This would include property occupied under an agreement of sale with the Nova Scotia Farm Loan Board. The Committee's recommendations will in due course be reviewed by the Department of Municipal Affairs once comments on the recommendations are received from the UNSM and municipal units.

Department of Agriculture and Marketing
Honourable George Archibald

Both the Assessment Act (under Section 3(1)(a) and the Agriculture and Rural Credit Act have provision that the Crown owns the land and that taxes do not constitute a lien on the land. I understand this has been a concern of the Municipalities.

I am advised by the Farm Loan Board that they attempt to cooperate with Municipalities in the collection of these taxes, both while a property is held by a farmer, and after, if a forced sales takes place. However, the taxes do not form a lien on the lands. The Board has noted its practice to pay outstanding taxes voluntarily if proceeds from the sale provide for repayment of the Board's account.

It is my understanding that the cooperate effort by most Municipalities and the Board works well in most instances, and that the actual case of loss by Municipalities is very low on Farm Loan Board held properties and on a par with other lands not held by the Board.

It seems to me that unless a substantive problem exists and can be identified by the Municipality, most of the tax problems can and should be resolved through a cooperative of the Municipality, the farmer and the Board.

I am directing a copy of this to the Board and will request them to take note of your concerns in their dealings with the Municipalities.

Resolution Number: 3(A4)

Submitted By: Municipality of the County of Colchester (Colchester-East Hants Region)

NOTICE OF ASSESSMENT

BE IT THEREFORE RESOLVED that the Union of Nova Scotia Municipalities request the Minister of Municipal Affairs to amend the Assessment Act to make provision for a description which is sufficient for the assessed owner and others to identify accurately the property assessed in the Notice of Assessment.

Response

Minister of Municipal Affairs

The assessment notice for each property listed on the roll carries a street address plus a situs address. The situs address, which is the location of the property, may be a one line descriptor if there is no street number. A concern is additional details, i.e.; legal description or lengthy description makes the form more complex and confusing to the taxpayer.

Since the OASIS system carries a fairly complete description of the properties, this can be pursued with the local office to get additional information which cannot be shown on the assessment notice.

PART II RESOLUTIONS FOR ATTORNEY GENERAL AND/OR SOLICITOR GENERAL

Resolution Number: 4(A5)

Submitted By: Resolutions Committee

COSTS OF ADMINISTRATION OF JUSTICE

BE IT RESOLVED that the Union of Nova Scotia Municipalities request the Provincial Government to take over the entire cost of the administration of justice.

Response

Solicitor General
Honourable Neil LeBlanc

As Solicitor General, I can certainly appreciate the Union's concern over the costs of the administration of Justice as it is a concern that I share. I am hopeful that over the next few years, we can work together to provide policing and correctional services to the people of this province in the most cost efficient manner possible. However, the province is not in a position at this time to take over full costs of the administration of justice.

Attorney General
Honourable Thomas J. McInnis

Resolution 4 requesting that the Attorney General take over the entire costs of the administration of justice is one that has surfaced before in various forms and to which I can only reply that this would require a thorough review of the fiscal arrangements between the Province and municipalities and at this point in time no change is contemplated.

Resolution Number: 5(A6)

Submitted By: Resolutions Committee

COLLECTION OF PARKING TICKETS

BE IT RESOLVED that the Union of Nova Scotia Municipalities ask the Provincial Government to authorize by legislation the serving of parking ticket summons by Certified Mail.

AND BE IT FURTHER RESOLVED that the legislation provide that vehicle licenses and permits only be reissued if uncontested or confirmed violation tickets are not outstanding against the individual.

Response

Attorney General
Honourable Thomas J. McInnis

Resolution 5 requests that the Province enact legislation permitting the service of a summons for a parking ticket offense by means of certified mail. The second part of the resolution then requests that drivers' licenses not be issued if there are any outstanding unpaid parking tickets. These matters were brought to our attention last year by the City of Halifax but at a time too late to be acted upon at that sitting of the legislature. Your requests are ones that require the concurrence of the Department of Transportation and I can only state that the matter will again be reviewed with the Minister of Transportation to determine if there is any possibility for action.

Resolution Number: 6(A7)

Submitted By: City of Halifax
(Metro Region)

LIQUOR CONTROL ACT

BE IT RESOLVED that the Union of Nova Scotia Municipalities call upon the Provincial Government to undertake a review of the Liquor Control Act, to set a more realistic fee under Section 163, whereby the Municipalities would be more adequately compensated with the costs of incarceration of persons under the clause of the Act.

Response

Attorney General
Honourable Thomas J. McInnis

As resolution number 6 deals with compensation received by municipalities as a result of incarceration of persons because of the offenses committed under the Liquor Control Act I feel that there is no comment that I can or should make as neither the Liquor Control Act nor jails come within my responsibilities.

Resolution Number: 7(A8)

Submitted By: Town of Parrsboro
(Cumberland Region)

NOVA SCOTIA POLICE COMMISSION

BE IT RESOLVED that the Union of Nova Scotia Municipalties request the government to appoint a Chairman for the Nova Scotia Police Commission.

Response

Attorney General
Honourable Thomas J. McInnis

Resolution number 7 deals with the Nova Scotia Police Commission and since I am not the Minister responsible for policing it would be improper for me to make any comment in regard to this matter.

Solicitor General
Honourable Neil LeBlanc

With regard to resolution No. 7, please be assured that once the Marshall Inquiry Report has been tabled, the government will move quickly to make sure that an appropriate structure is in place in this Province to look after the concerns of municipal police forces.

PART III RESOLUTIONS RE COMMUNITY SERVICES

Resolution Number: 8(A10)

Submitted By: Municipality of the County of Kings (Valley Region)

CONTRIBUTIONS BY FAMILIES FOR PERSONS IN HOMES FOR SPECIAL CARE

BE IT THEREFORE RESOLVED that the Union of Nova Scotia Municipalities requests the Province of Nova Scotia to proclaim the amendment passed several years ago to provide for more realistic contribution levels from spouses and family members of persons in homes for special care.

Response

Department of Community Services
Honourable Guy J. LeBlanc

The Government has no plans at the present time of proclaiming the section on the social Assistance Act relating to contributions by relatives. At the moment, such contributions by relatives are received directly by municipalities and are not considered by the Provincial Government for cost-sharing purposes. However, as the Province is now paying 66 2/3% of the approved municipal costs for the maintenance of persons in Homes for Special Care, the Social Assistance Act Regulations will be amended to consider contributions from relatives in calculating municipal cost-sharing entitlement.

Resolution Number: 9(A11)

Submitted By: Resolutions Committee

AMENDMENT TO SOCIAL ASSISTANCE ACT - HOMES FOR SPECIAL CARE

BE IT RESOLVED that the Union of Nova Scotia Municipalities express its discontent with the present legislative provisions dealing with assets to be taken into account when determining eligibility for assistance in Homes for Special Care.

AND BE IT FURTHER RESOLVED that the incoming Executive be instructed to pursue amendments to that legislation to provide more equitable provisions dealing with such assets.

Response

Department of Community Services
Honourable Guy J. LeBlanc

The Legislation dealing with the exemption of the family home as an asset for the purposes of determining eligibility for assistance in Homes for Special Care came into effect on April 1, 1989. While the Department of Community Services has received a number of requests from various municipalities for clarification in certain cases; generally, the Legislation has been applied without major problems. The Department would be prepared to consider any suggestion to make the Legislation more effective and it is noted that the incoming executive will be turning their attention to this matter in the coming year.

10

Resolution Number: 10(A12)

Submitted By: County of Richmond
(Inverness-Richmond-Victoria Region)

HOME CARE USER FEES

BE IT THEREFORE RESOLVED that the Union of Nova Scotia Municipalities urge the Department of Community Services to continue to allow Home Care agencies to make decisions locally with regard to the amount of user fees to be charged to Home Care clients.

Response

Department of Community Services
Honourable Guy J. LeBlanc

The Task Force on Homemaker Services financing has recommended that in order to promote consistency throughout the Province, a User Fee should be payable by all clients of Home Care. If, however, a municipality wishes to pay the User Fee on behalf of the client, that would be a decision of the individual municipality.

Resolution Number: 11(A13)

Submitted By: Resolutions Committee

CHILDREN'S SERVICES ACT - APPREHENSION COSTS

BE IT RESOLVED that the Union of Nova Scotia Municipalities request that the Department of Community Services pay the full costs of the apprehension of children under the Children's Services Act.

Response

Department of Community Services
Honourable Guy J. LeBlanc

Municipalities are responsible for apprehension costs in Child Welfare cases in accordance with the terms of the Children's Services Act. The matter of municipal contributions to Child Welfare Services has been referred to the Fact Finding Committee for appropriate consideration.

PART IV RESOLUTIONS RE EDUCATION

Resolution Number: 12(A16)

Submitted By: Municipality of the County of Annapolis (Valley Region)

EDUCATION TO BE FINANCED 100% BY THE PROVINCE

BE IT RESOLVED that the Province of Nova Scotia accept full financial responsibility for the provision of education throughout Nova Scotia.

Response

Department of Education
Honourable Ronald C. Giffin

The elimination of municipal participation in support of public education would have significant consequences beyond a reduction in municipal taxes, particularly with respect to the burden on the provincial taxpayer and the degree of local control feasible within a public education system totally funded by the Province. While changes in the current education funding arrangements may be needed, I do wish to note that these arrangements have produced substantial benefits in reducing the demands on the municipal tax base.

The Government of Nova Scotia has recognized that a review of education funding is desirable at this time and therefore commissioned a study by Doane Raymond Limited. As I am sure the UNSM will appreciate, the results of the study will have to be thoroughly examined before we are in a position to consider introducing changes in the funding system.

Resolution Number: 13(A17)

Submitted By: Municipality of the District of Lunenburg (South Shore Region)

COST OF SCHOOL BOARD ELECTIONS

BE IT RESOLVED that the Union of Nova Scotia Municipalities request the Province of Nova Scotia to amend Provincial Legislation to provide that the cost of running the School Board Election be paid by the appropriate School Board.

Response

Department of Education
Honourable Ronald C. Giffin

Since school boards in Nova Scotia do not have powers of taxation, sharing the cost of elections to the boards would have the effect of increasing their requirements for grants. I do not feel it is unreasonable to have municipal units contribute to the support of public education by covering the cost of school board elections.

PART V RESOLUTIONS RE ENVIRONMENT

Resolution Number: 14(A22)

Submitted By: Town of Canso
(Pictou-Antigonish-Guysborough Region)

NON-RETURNABLE CONTAINERS

BE IT THEREFORE RESOLVED the Province be requested to set up immediately a program whereby such containers can be returned and money refunded to them.

Response

Department of the Environment
Honourable John G. Leefe

In regard to Resolution 14(A22) and the establishment of a program for returning containers, bottles and cans, the Province of Nova Scotia will be establishing a resource recovery fund. In part the purpose of the fund will be to assist communities in implementing recycling and litter management projects.

Resolution Number: 15(A23)

Submitted By: Municipality of the County of Queens (South Shore Region)

RECYCLING OF SOLID WASTE

BE IT THEREFORE RESOLVED that the UNSM petition the Provincial Government to increase the establishment within the Province of Nova Scotia, of those industries that use recycled materials in their processing, thereby reducing the amount of solid waste disposed of into the environment and encourage recycling programs in conjunction with municipal units.

AND FURTHER that the Government of Nova Scotia take the lead of PEI in reducing the amount of non-returnable containers in the marketplace.

Response

Department of the Environment
Honourable John G. Leefe

As more materials become available through recycling, it is anticipated that business opportunities will be created. Assistance for those interested in these business opportunities are currently available through the Departments of Small Business Development and Industry, Trade and Technology and the Atlantic Canada Opportunities Agency. This should address the issues raised by the Union in Resolution 15(A23).

16

Resolution Number: 16(A24)

Submitted By: Municipality of the County of Inverness (Inverness-Richmond-Victoria Region)

ENVIRONMENTAL PERMITS

BE IT THEREFORE RESOLVED that the Union of Nova Scotia Municipalities request the Nova Scotia Department of the Environment to consult with the municipal units involved before issuing any permits, to see if they have any regulations, contracts or concerns that might have to be addressed before granting permits.

AND BE IT FURTHER RESOLVED that the adjoining municipal units be notified of such permits.

Response

Department of the Environment
Honourable John G. Leefe

In regard to Resolution Number 16(A24), we currently advise persons making application to our Department for environmental approvals that they are required to meet all applicable municipal by-laws.

PART VI RESOLUTIONS RE FEDERAL GOVERNMENT

Resolution Number: 20(A27)

Submitted By: District of Guysborough

MAINTENANCE OF FEDERAL WHARVES

BE IT THEREFORE RESOLVED that the Province of Nova Scotia be requested to use its influence to ensure the Federal Government continue to own and adequately maintain existing wharves.

Response

Federation of Canadian Municipalities

Motion carried at FCM's Annual Conference. Matter referred to FCM Standing Committee on Economic Development.

Resolution Number: 22(A29)

Submitted By: Town of Canso
(Pictou-Antigonish-Guysborough Region)

FIRE DEPARTMENTS TO CARRY OUT ITS DUTIES

BE IT THEREFORE RESOLVED that the Union of Nova Scotia Municipalities strongly request the Federal Government to exempt from Federal Taxation all equipment purchased for Fire Departments to carry out their duties.

Response

Federation of Canadian Municipalities

Motion carried at FCM Annual Conference. Matter referred to FCM Standing Committee on Economic Development.

Resolution Number: 23(A30)

Submitted By: Municipality of the District of Chester (South Shore Region)

FEDERAL GOVERNMENT'S CUTBACK IN PROGRAMS

BE IT THEREFORE RESOLVED that the Government of Canada be encouraged to consider all such services as set out above as vital services to municipal units and be encouraged to improve and enhance such services rather than cutting out or cutting back such services.

Response

Federation of Canadian Municipalities

The resolution has been referred back to the Standing Committee on Municipal Finance for clarification. FCM will keep us informed as to the progress of the resolution.

PART VII RESOLUTIONS RE FISHERY

Resolution Number: 27(A32)

Submitted By: Town of Canso
Guysborough County

THE FISHERY

BE IT THEREFORE RESOLVED that the Union of Nova Scotia Municipalities strongly urge the Province of Nova Scotia to do all that is possible to address the current situation and work together with all levels of government, industry and labour for the future of the fishing industry.

Specifically:

1) To urge an extension of Canada's 200 mile limit to include the nose and the tail of the Grand Banks.

2) To convene a forum on the future of the Fishery which would include all involved parties.

3) To seek ways in which fish that is landed in Nova Scotia will be processed in Nova Scotia (Trucking of Fish).

4) To reduce the number of foreign fishing licenses presently being utilized in Canadian waters.

Response

Department of Fisheries
Honourable Donald P. McInnes

Please be advised that officials of the Nova Scotia Department of Fisheries are meeting their federal counterparts daily on measures to improve conditions in the fishery and to address the new difficulties which seem to be emerging on almost a daily basis.

Department of Fisheries and Oceans
Tom Siddon, P.C., M.P.

Concerning the first point in the resolution, dealing with the extension of Canada's jurisdiction outside the 200 mile limit, the United Nations Convention on the Law of the Sea sets out a comprehensive regime for the regulation of the world's oceans and reflects generally accepted international rules to which Canada adheres. The Convention clearly establishes 200 miles as the outer limit for coastal state jurisdiction under current international law. The Government of Canada has been working diligently for the elimination of overfishing by foreign vessels on the nose and tail of the Grand Banks outside Canada's 200 mile limit. This work is continuing, with the Northwest Atlantic Fisheries Organization (NAFO) and through other international relations activity.

Resolution Number: 27(A32)/cont'd.

I appreciate the second point concerning a fisheries outlook forum. The government recently established a special cabinet committee chaired by the Right Honourable Joe Clark to look at problems faced by Canadian fisheries. This committee will be consulting all involved parties in making recommendations.

The next point suggests that the government should seek ways to have fish that is landed in Nova Scotia processed in Nova Scotia. Based on official Department of Fisheries and Oceans statistics, only five percent of the total of Atlantic whole fresh groundfish landings were exported in 1988. The proportion for Nova Scotia landings was somewhat higher at a maximum of 13 percent. This higher percentage reflects Nova Scotia's proximity to the U.S. and therefore its comparative trade advantage relative to other provinces in supplying this lucrative fresh fish segment of the market. Regulations requiring the processing of fish in Nova Scotia could eliminate this trade in fresh fish, which benefits many Nova Scotians. Such restrictions could also be contrary to Canada's GATT obligations.

With respect to the last point in the resolution, the number of foreign fishing licences issued for Canadian waters is what is required for the harvesting of the foreign allocation. Fishing licences are issued to foreign-based vessels in accordance with Canadian international obligations. Government policy is to allocate to foreign fleets fish that is surplus to Canadian requirements within the conservation limits set by Canada. As Canadian catches increase, foreign quotas are reduced.

PART VIII RESOLUTIONS RE HEALTH AND FITNESS

Resolution Number: 28(A33)

Submitted By: Municipality of the County of Richmond (Inverness-Richmond-Victoria Region)

OVERSTAY CHARGES

BE IT THEREFORE RESOLVED that the Union of Nova Scotia Municipalities negotiate an amendment to the proposed overstay agreement with the Minister of Community Services and the Minister of Health and Fitness.

AND BE IT FURTHER RESOLVED that the agreement be amended by removing the restriction of finding a bed within the municipal unit of the patient's municipal settlement or within a radius of 100 kilometres, that is the agreement will apply if a bed is found in the Province of Nova Scotia.

AND BE IT FURTHER RESOLVED that the agreement be further amended by indicating that the limited rate which applies will be cost-shareable with the Department of Community Services.

Response

Department of Health and Fitness

The issue of patient overstays in acute care hospitals is a complex and problematic one. The Department has attempted over the last number of years to find a balanced approach which takes into consideration both compassion for persons discharged from hospital awaiting placement in a nursing home and the need to insure that acute care hospital beds are available for those who are acutely ill.

The present agreement on hospital overstays reached between the Union of Nova Scotia Municipalities and the Department of Health and Fitness was initiated by the Union and provided a measure of financial relief to the municipalities in some overstay situations. My Department is disappointed that a large number of municipalities have not signed this agreement.

With respect to the specific resolution, I would be more than pleased to meet with representatives from UNSM to discuss the present agreement.

Two things should be kept in mind regarding the amendments proposed in your resolution. The restriction of finding a bed within the municipal unit of a patient's settlement or within a radius of 100 kilometres helps ensure reasonable placings for persons with due regard for maintaining relationships with family and friends. With regard to allowing the limited rate to be cost sharable with the Department of Community Services, this is a decision that my Department cannot make unilaterally but would require consultation with Community Services. Also, regrettably, some municipalities are more cooperative than others in making an effort to find a reasonable placement for their citizens in a timely manner. Frankly, if the rate paid for a hospital bed were no greater than the rate paid for a nursing home bed there would be a lack of incentive for some municipalities to attempt to place patients in a timely manner. This would contribute to continued utilization

Resolution Number: 28(A33)/cont'd.

of acute care beds in an inappropriate fashion. Notwithstanding these comments, I would be pleased to discuss these and other aspects of the agreement with you in more detail of the UNSM so wishes.

Department of Community Services
Honourable Guy J. LeBlanc

This Resolution will be given further consideration and discussion will be initiated with the Department of Health and Fitness to determine if the current agreement can be amended.

Resolution Number: 29(A34)

Submitted By: Municipality of the District of Chester (South Shore Region)

HEALTH ACT

BE IT THEREFORE RESOLVED that the Province of Nova Scotia be encouraged to consider the following amendments:

A) That the time period for laying charges be extended to at least twelve (12) months and have it more clearly defined as to when the time period begins. It is suggested that it be defined to begin when the Inspector first becomes aware of the violation and then place the burden on the violator to prove it was installed on an earlier date.

B) That the term "installed" be more clearly defined so as to establish when a charge may be laid, i.e., can it be laid as soon as the hole is dug or do you wait until the system is completed?

C) That it be an offense to have installed and leave installed an on-site sewage disposal system without a permit. This would cover the situation where the system is already installed when it comes to the Inspector's attention.

D) That it be more clearly defined what the elements of the offense must be proven are and which ones can be deemed to be proven unless the defendant presents contrary proof. Depending upon when the system comes to the attention of the Inspector, it can be extremely difficult to prove every single element of an offense beyond a reasonable doubt and therefore it should not be unreasonable in offenses such as this that the burden of proof be lessened on the prosecution and more of an onus put on the defendant to present contrary evidence when the charge is being defended.

E) That it be made clear in the Act that an Information can cover an extended time period but that each day may be treated as a separate offense for the purpose of imposing a penalty. Under the present system, to obtain a substantial fine, you have to lay a multitude of Informations for each individual day and then prove each of them. The other way would be substantially raising the fine for each individual offense.

Response

Department of Health and Fitness

The Department has been considering amendments of this nature over the past year. I anticipate some amendments may be proposed by the Department for inclusion on the slate of legislation for the 1991 Session of the Legislature.

Resolution Number: 30(A35)

Submitted By: City of Dartmouth

BOARD OF HEALTH MEMBERSHIP

BE IT RESOLVED that s.12(2) of the Health Act be amended to permit council to appoint members of the Board of Health in such proportions of council members and non-council members as council determines by resolutions.

Response

Department of Health and Fitness

This Health Act amendment was actively considered by the Department prior to this year's session of the Legislature. Inevitably, Government is faced with a myriad of proposed legislation and can only proceed with a portion of the proposals. In principle I endorse this amendment and anticipate that it will be among the legislative proposals put forth by the Department for the 1991 Session of the Legislature.

PART IX RESOLUTIONS RE HOUSING

Resolution Number: 31(A36)

Submitted By: Town of Bedford (Halifax Region)

AFFORDABLE HOME OWNERSHIP INITIATIVES

BE IT RESOLVED that the Union of Nova Scotia Municipalities actively support the efforts of the Federation of Canadian Municipalities' REACH program by establishing a committee to review and recommend changes to provincial legislation and regulations so as to enable municipalities to make the necessary changes in the areas of planning and development control that support the objectives of the REACH program.

Response

Department of Housing

The Department of Housing is very interested in the ACT programme (originally named the REACH programme).

The Department has been actively involved in the establishment of development standards and land use regulation and policies through the development of residential land assemblies. The Department has worked with municipal governments to provide a wide variety of residential land options beyond those normally permitted municipal residential development regulations.

The Department of Housing is currently working with representatives of the Technical University of Nova Scotia to encourage the development of a project under the act programme.

PART X LANDS AND FORESTS

Resolution Number: 32(A38)

Submitted By: Town of Canso

ENFORCE THE GREEN BELT LEGISLATION

BE IT RESOLVED that the Union of Nova Scotia Municipalities urge the Provincial Government to enforce the Green Belt Legislation to provide protection of Nova Scotia's Scenic Resources.

Response

Department of Tourism and Culture
Honourable Roland Thornhill

With regards to green belts, I agree with your concern about the visible and environmental impacts of clear cutting on our tourist industry.

Department of Lands and Forests
Honourable Chuck MacNeil

I am pleased to advise that effective April 1, 1989, the Province adopted the new Forest/Wildlife Guidelines and Standards for Nova Scotia. These Guidelines and Standards were developed in keeping with our new Forest Policy of 1986 and are required on Crown lands and recommended on private lands. Amongst other things, they specify appropriate greenbelts on lakes and rivers, as well as wildlife corridors, and other measures relevant to the maintenance of wildlife habitats.

Currently there are no laws or regulations governing the maintenance of greenbelts along public highways. Nevertheless, it is the intention to manage forest vegetation on Crown lands adjacent to public highways for the purpose of making these visually appealing and to demonstrate forest management priorities to the travelling public. Private landowners will be encouraged to do the same. At the moment, I am awaiting recommendations from the Forest Advisory Council on how best to achieve this objective.

PART XI MISCELLANEOUS

Resolution Number: 33(A39)

Submitted By: Municipality of the County of Queens

LAND REGISTRATION AND INFORMATION SERVICE

BE IT RESOLVED that the Government of Nova Scotia continue and further expand the work undertaken by the L.R.I.S.

Response

Department of Health and Fitness

The Government of Nova Scotia is committed to continuing the work undertaken by the L.R.I.S., either through L.R.I.S. or a successor agency. Work on the basic components of a Nova Scotia land information system, control survey monument system, base mapping and property mapping, is ongoing. An L.R.I.S. property mapping program has initiated in South West Nova Scotia this year. All of this will enable the Province to move towards the future implementation of a modern land titles system for Nova Scotia.

Resolution Number: 34(A40)

Submitted By: Town of Amherst

RESIDENTIAL TENANCIES ACT

BE IT RESOLVED that the Union of Nova Scotia Municipalities request the Minister of Consumer Affairs to review the Act Respecting Residential Tenancies with respect to bringing equality to both the owners and the tenants.

Response

Department of Consumer Affairs

The Rent Review Act, S.N.S. 1975, Chapter 56, is the proper reference for this particular resolution. This Act does not provide for rent control, but rather for rent review, which permits trained and experienced officers to review the submissions of landlords and tenants, and to objectively assess the appropriateness of the rental charged. Officers' decisions can be appealed to the Rent Review Commission, who will in turn give a second objective review to the rental charged.

The rent review process is designed to allow for the rate of inflation; the operating costs of the facility; as well as the return on the investment of the landlord.

Many landlords do their homework, and ensure that they are well prepared to prove their increased costs to the Department, and are successful in establishing that they should be granted increases above the guideline set by Cabinet. However, in 1988, 73% of landlords simply decided to go for increases at or under the 3% guideline. This indicates to me that the guideline is set at appropriate levels.

I have reviewed the rent review process, and can find nothing that would indicate that it offers more protection to tenants than landlords. It is an impartial system that I would invite landlords to utilize more fully.

Resolution Number: 35(A41)

Submitted By: City of Halifax

POSITION PAPER FUNDING OF ARTS AND CULTURE

BE IT RESOLVED that the Union of Nova Scotia Municipalities develop a position paper for a provincial direction of funding for arts and culture in Nova Scotia.

Response

The matter was referred to the UNSM/AMA Joint Resource Committee for further study.

Resolution Number: 36(A43)

Submitted By: Municipality of the County of Pictou

ELECTRICITY COSTS TO ARENAS

BE IT RESOLVED that the Provincial Government be requested to provide ice arenas with a power subsidy. This money could come from a small share of the money the Provincial Government received from the various lotteries sold to the residents of Nova Scotia.

Response

Nova Scotia Power Corporation
Louis R. Comeau
President & Chief Executive Officer

As you may be aware, our rates are approved by the Board of Commissioners of Public Utilities, and we are not permitted to discriminate whether for, or against, specific customers or classes of customers.

Our objective is to provide a rate structure for electric service which fairly and equitably recovers the cost of providing service to each customer class, reduces the exposure of our customers to unacceptable rate shock, and yet meets Corporate revenue requirements.

As noted in your Resolution, under an act to amend Chapter 258 of the Revised Statutes, 1967, Public Utilities Act, the Domestic Rate is available to recreation facilities which are "owned by a community and used for general community purposes" and shall not apply to a "municipality or any of their departments, organizations or agencies".

A committee has been formed with representatives from Nova Scotia Power, the Department of Mines and Energy, and the Sport and Recreation Commission to ensure that the extent of the Legislative changes in the Bill are appropriately dealt with.

By copy of this letter I am instructing our representative, Mr. A. E. Dominie, Manager, Rates and Regulations, to address this item through the above noted committee. I believe that updates of the on-going activities, consideration, decisions, conclusions, etc., of this group can be obtained from any of the participating Government departments.

Resolution Number: 37(A45)

Submitted By: Town of Amherst

FIRE FIGHTERS SCHOOL

BE IT RESOLVED that the Union of Nova Scotia Municipalities request the insurance industry to financially support the Nova Scotia Fire Fighters School at Waverly.

Response

Insurance Advisory Organization
Roy Pugh, Manager

I would point out that the insurance industry has already paid to the Province of Nova Scotia $ 11,410,000 in premium taxes and Fire Marshall's Taxes.

I personally feel that is quite a contribution to the support of fire protection in the Province of Nova Scotia.

I am also given to understand that a number of individual insurance compaines and insurance brokers have contributed to the Nova Scotia Fire Fighters School and to other municipalities in assisting in their fire protection efforts.

PART XII MUNICIPAL AFFAIRS

Resolution Number 38(A47)

Submitted By: Municipality of the County of Kings

AMENDMENT TO PLANNING ACT - MUNICIPAL BOARD DECISION

BE IT RESOLVED that the Union of Nova Scotia Municipalities request the Province of Nova Scotia to rescind in its entirety Section 63, subsection 7, (a) and (b).

Response

Minister of Municipal Affairs
Honourable Brian Young

Staff in the Department are currently reviewing this matter along with a number of other issues which are under consideration and will be making recommendations once the review is completed.

Resolution Number: 39(A48)

Submitted By: Town of Truro

PLANNING ACT

BE IT RESOLVED that the Minister of Municipal Affairs be requested to institute a complete review of the Planning Act using elected and professional staff or consultants who use the Planning Act on a daily basis with a view to cleaning up the act and the procedures contained therein in order to permit the municipal units to administer planning matters in a clear and straightforward process.

Response

Minister of Municipal Affairs
Honourable Brian Young

Staff in the Department are currently reviewing this matter along with a number of other issues which are under consideration and will be making recommendations once the review is completed.

Resolution Number: 40(A49)

Submitted By: Town of Port Hawkesbury

LAND USE BY-LAW

BE IT RESOLVED that the Planning Act be amended to provide that the Minister render his decision within sixty days of receipt of the documentation by the Department.

RESPONSE

Minister of Municipal Affairs
Honourable Brian Young

Some of the delays that form part of this process rest with the fact that Department staff must first verify that they have received all the documentation from the municipal unit and then acknowledge it. The process would be completed more quickly if the Department simply rejected any requests for amendments where the documentation was incomplete rather than requesting clarification from the relevant municipal unit. If municipal units are concerned about the length of time the process takes, they can assist in the process by ensuring that the documentation is complete prior to sending it to the Department.

Resolution Number: 41(A50)

Submitted By: Municipality of the District of Chester

BUILDING CODE ACT AND REGULATIONS

BE IT RESOLVED that the Province of Nova Scotia be encouraged to provide in the Building Code Act itself a time limitation of actions for prosecutions under the Act of at least twelve (12) months, so that any violations of the Act may be more properly investigated and the violators prosecuted.

Response

Minister of Municipal Affairs
Honourable Brian Young

Staff in the Department met with the Chester Council after the resolution was passed to discuss their concerns.

The time limits outlined in the Building Code Act are the same as the limits set in Summary Convictions and are consistent with every other violation of provincial legislation.

Resolution Number: 42(A51)

Submitted By: Town of Liverpool

FIRE INSPECTIONS

BE IT RESOLVED that the Union of Nova Scotia Municipalities be requested to investigate the possibility of amending the Fire Prevention Act to make mandatory inspection the responsibility of the Office of the Fire Marshal;

BE IT FURTHER RESOLVED that the Union of Nova Scotia Municipalities make representation to the appropriate Government Department urging that the Province of Nova Scotia provide at no cost to municipalities fire inspectors for the purpose of carrying out the inspections as required under the Fire Prevention Act.

Response

Department of Labour
Honourable Ronald Russell

Regular fire inspections are a municipal responsibility, as outlined in Section 19 of the Fire Prevention Act. It is not the intention of Government to amend the Fire Prevention Act in the immediate future. Please be assured, however, that the Office of the Fire Marshal will continue to be of as much assistance as time and staffing permit.

Resolution Number: 43(A55)

Submitted By: Municipality of the District of East Hants

MUNICIPAL ELECTIONS - EXTENSION OF TERM OF OFFICE

BE IT RESOLVED that the Union of Nova Scotia Municipalities request the Provincial Government to amend the Municipal Elections Act (and other relevant Acts) to amend the period of Municipal Elections from the existing Three (3) Year period to a Four (4) Year period.

Response

Minister of Municipal Affairs
Honourable Brian Young

To change the term of office for municipal officials in Nova Scotia is a matter requiring more details. At present we are consistent with the rest of Canada. At present, eight of the twelve Provinces and territories have 3 year terms, two have 2 year terms and two have 4 year terms.

If the municipal units want the Department to specifically address this resolution, the Department would be interested in knowing the specific concerns and reasons for departing from what seems to be an accepted practice for municipal governments across Canada.

Resolution Number: 44 (A56)

Submitted by: Town of Lunenburg

OPERATING AND CAPITAL GRANTS

BE IT RESOLVED that the Union of Nova Scotia Municipalities continue to pursue their efforts with the Department of Municipal Affairs and the Provincial Government with a view of addressing the needs of the Municipalities for a reassessment of the methods by which Operating and Capital Grants are determined.

Response

Minister of Municipal Affairs
Honourable Brian Young

The Department has recently completed a review of its unconditional operating grant and determined that the grant was doing what is was designed to do. In reviewing the grant, municipal units in the Province were surveyed and had no significant problems with it. There were areas where proposals for change were made and these proposed changes to the grant are being considered.

As for the Capital Grant Program, this is an area the Department wants to review. The Department is gravely concerned that the unconditional capital going to the municipal units has not been directed to infrastructure.

In reference to the emergency funding program, the Department can advise the units that the number of requests for funding in this area is down from previous years.

Resolution Number: 45(A57)

Submitted By: Metro Region

PROVINCIAL FUNDING FOR REGIONAL TRANSIT SERVICES

BE IT RESOLVED that the UNSM impress to the Province of Nova Scotia Department of Municipal Affairs that additional funding for Regional Transit Services is required.

Response

Minister of Municipal Affairs
Honourable Brian Young

This resolution should be reviewed in the overall context of Provincial-Municipal responsibilities and the overall objectives of the UNSM. To request additional funding for Regional Transit Services should be addressed in the overall context of cost sharing versus deferred areas of responsibilities.

Resolution Number: 46(A58)

Submitted By: Municipality of the District of Yarmouth

MUNICIPAL SEWER SYSTEM

BE IT RESOLVED that the Union of Nova Scotia Municipalities request the Department of Municipal Affairs to amend Section 203(1)(A) to empower municipalities to compel owners of dwellings up to one hundred and fifty (150) feet to connect to a Municipal sewer collection line.

Response

Minister of Municipal Affairs
Honourable Brian Young

As the resolution indicates, the current legislation gives municipalities the authority to require owners of dwellings up to 100 feet from the sewer line to connect to the sewer line. There does not seem to be any legitimate basis for having a 150 feet versus a 100 feet requirement. When the legislation was drafted, it was deemed that 100 feet was reasonable and there does not appear to be a strong justification for changing it at this time.

If the problem is a health problem, the Boards of Health have the authority to require the owner to fix the problem.

Resolution Number: 47(A60)

Submitted By: Municipality of the County of Kings

TAX EXEMPTION - SECTION 136(A) - MUNICIPAL ACT

BE IT RESOLVED that the Union of Nova Scotia Municipalities request the Province of Nova Scotia to amend the appropriate legislation to permit municipal units to grant an exemption from taxation to disabled persons;

FURTHER BE IT RESOLVED that the Family Allowance benefits be included in those allowances which would not be included in a person's total income for the purpose of the tax exemption.

Response

Minister of Municipal Affairs
Honourable Brian Young

Legislation, in the form of a Private Member's Bill, was introduced in the House this year which would allow the Municipality of the County of Kings to grant this exemption.

Generally, the Department tends to resist any changes that result in an erosion of the municipal tax base, however, staff are studying the possibility of a general amendment to the Towns and Municipal Act.

A similar recommendation was also made by the Committee reviewing the taxation portion of the Assessment Act and will be considered when the Department is reviewing the recommendations.

Resolution Number: 48(A61)

Submitted By: Municipality of the County of Annapolis

REGULATION OF PITS AND QUARRIES BY MUNICIPAL UNITS

BE IT RESOLVED that the Planning Act, and any other relevant legislation, be amended so as to permit municipalities to include provisions in their municipal planning stategies and land use by-laws to regulate or prohibit the location of pits and quarries in the same manner as other uses.

Response

Minister of Municipal Affairs
Honourable Brian Young

Staff in the Department are currently reviewing this matter along with a number of other issues which are under consideration and will be making recommendations once the review is completed.

Resolution Number: 49(A62)

Submitted By: Municipality of the District of East Hants

PROVISION OF PENSIONS

BE IT RESOLVED that the Union of Nova Scotia Municipalities strongly urge the Provincial Government to enact enabling legislation to allow a Municipal Unit to provide a Pension for duly qualified Municipal Elected Officials.

Response

Minister of Municipal Affairs
Honourable Brian Young

Before recommending legislative changes, the Department would prefer that the UNSM and AMA develop a proposal for a more formal contributory pension for the Department to review. The Department believes there should be standards set for municipal pensions.

Resolution Number: 50(A63)

Submitted By: Town of Lunenburg

SALE OF LAND

BE IT RESOLVED that the Union of Nova Scotia Municipalities request the Department of Municipal Affairs to waive the requirement for appraisals when the size of the lot is too small for Residential or other development or the assessed value is below $2,000.

Response

Minister of Municipal Affairs
Honourable Brian Young

The Department does not have a problem with the resolution's intent, however, $2,000 seems to be too low to be a determining factor as most small parcels of land would have a higher value.

If the concern of the municipal units is the cost of an appraisal, the municipal unit can approach the Assessment Division for an estimate of the value of the land and thereby relieve the unit of that requirement.

Resolution Number: 51(A64)

Submitted By: Town of Port Hawkesbury

UNSIGHTLY PREMISES

BE IT RESOLVED that the Union of Nova Scotia Municipalities work with the Province of Nova Scotia to improve legislation to deal with unsightly premises.

Responses

Minister of Municipal Affairs
Honourable Brian Young

Unless the problems the municipal units are experiencing are health or liability issues, then, it is the jurisdiction of the municipal units. While there is no provincial legislation which deals with municipal concerns in this area, there is an Unsightly Premises Act which regulates the premises within 500 feet of the centre line of the travelled portion of highway.

If the municipal units have any specific concerns with this present policy, they can be forwarded

Resolution Number: 52(A78)

Submitted By: Resolutions Committee

BOUNTIES ON COYOTES

BE IT RESOLVED that the Union of Nova Scotia Municipalities request the Province of Nova Scotia to impose a bounty on coyotes to encourage hunters to hunt coyotes in order to assist the livestock farmers in the protection of their animals.

Response

Minister of Municipal Affairs
Honourable Brian Young

The Department appreciates the concerns of the municipal units outlined in this resolution.

Department of Lands and Forests

In responding to resolution # 52 regarding a coyote bounty, it is appreciated that there has been a dramatic increase in the coyote population and in related problems in recent years. Our wildlife managers tell us that based on experience in other jurisdictions, this can be expected. Our staff have been monitoring the situation closely as has the Wildlife Advisory Council. Sheep producers are being compensated for losses to coyotes and we work closely with the Nova Scotia Department of Agriculture and Marketing in examining ways to cope with the problem.

Our best advice is that a bounty on coyotes will do little if anything to reduce the numbers of the losses of livestock. Experience in other jurisdictions and in Nova Scotia in the early 1980's suggest that the bounty is not an effective use of resources. Nevertheless, we will continue to evaluate all options in our attempts to adjust to this recently introduced species.

Resolution Number: 53(A80)

Submitted By: Town of Bridgewater

CIVIC HOLIDAY

BE IT RESOLVED that the Union of Nova Scotia Municipalities petition the Province of Nova Scotia to officially declare the first Monday of August of each year to be a Civic Holiday and long weekend for all residents of Nova Scotia.

Response

Minister of Municipal Affairs
Honourable Brian Young

Before the Province can declare the first Monday in August a holiday, additional information from the municipal units is required.

Specifically, decisions need to be made as to whether the holiday would simply be a retail closing day without pay (since the UNSM Conference rejected a resolution for a paid civic holiday) and, whether it will replace the present civic holidays that are in place now but not on the first Monday in August.

The Department would be pleased to address this but as indicated, needs further information from the municipal units.

PART XIII TRANSPORTATION

Resolution Number: 54(A65)

Submitted By: Municipality of the District of Digby

ABANDONMENT OF ROADS

BE IT RESOLVED that the Union of Nova Scotia Municipalities petition the Provincial Government to require the Department of Transportation to hold public hearings in the affected area before any public road can be abandoned.

Response

Minister of Transportation and Communications
Honourable George Moody

The Department of Transportation and Communications does not abandon listed roads, however, there are listed roads that receive little or no maintenance because of the lack of usage by land owners and the travelling public.

The Department cannot justify spending department money on roads that are no longer used when there are numerous roads province wide that are in need of repairs, maintenance and/or construction work.

If a road falls into this category and a request is made to have the Department resume maintenance then the Department may share on a 50/50 cost basis for road improvements to bring the road up to maintenance standards.

The recommendation to reduce maintenance is made by the local Department officials who are familiar with the area and the usage of certain roads.

This action is by no means predetermined by the department but is a result of the roads existing factors.

Resolution Number: 55(A66)

Submitted By: Municipality of the District of Yarmouth

PROVINCIAL ROAD CONDITIONS

BE IT RESOLVED that the Union of Nova Scotia Municipalities strongly urge the Province of Nova Scotia to continue to develop minimum maintenance standards for secondary gravel roads to ensure year-round usage.

Response

Minister of Transportation and Communications
Honourable George Moody

The Department of Transportation and Communications is committed to the betterment of county road conditions in Nova Scotia. The maintenance program for secondary gravel roads is an ongoing process of meeting department maintenance standards across the Province.

Resolution Number: 56(A67)

Submitted By: Municipality of the County of Victoria

LISTING OF RURAL ROADS

BE IT RESOLVED that the Union of Nova Scotia Municipalities urge the Provincial Government to change its policy in regards to the listing of roads in rural communities;

BE IT FURTHER RESOLVED that the Provincial Government set up a special budget to deal with this problem and that the Department of Transportation and Communications set up a priority list for rural municipalities indicating what roads are eligible for listing and an approximate date when construction will take place.

Response

Minister of Transportation and Communications
Honourable George Moody

As you may be aware, the road listing policy was reviewed in the mid 70's in order to deal with the expanding problem of subdivision development throughout the Province. In order to be fair to people that then lived on unlisted roads, the Department adopted two (2) methods by which roads could be listed. One was what came to be known as the "three house" policy which required that before the Department of Transportation and Communications could list a road a minimum of three permanent year round occupied houses had to be in existence prior to February 1st, 1975. As mentioned earlier, this was to accommodate those dwellings that were already in existence. The other method of listing a road is under our subdivision specifications, which requires, in general the roads serving dwellings that were built after 1975 could only be listed when brought up to an acceptable standard to permit the Department of Transportation and Communications to maintain them. The reason for the adoption of this policy in the mid 70's was to remove the burden of building roads serving subdivision developments from the provincial taxpayer. It is the department's position that if a new development, in order to be viable, requires a road network to service it, then that is a legitimate development cost and should be borne by the development and not passed on to the general taxpayer of the province through the involvement of the Department of Transportation and Communications.

Resolution Number: 57(A68)

Submitted By: Town of Port Hawkesbury

COST-SHARING PROVINCIAL HIGHWAYS

BE IT RESOLVED that the Department of Transportation arrange a more equitable sharing agreement with those municipal units that have four-lane highways in their jurisdiction.

Response

Minister of Transportation and Communications
Honourable George Moody

There are several four (4) lane roads in Towns and Cities across the Province which are cost shareable. There are many developments along these particular streets that lead the traffic through the core area of the town. Examples of such roads would be Robie Street in Truro, East River Road in New Glasgow and Kings Road in Sydney.

It is my understanding the Town of Port Hawkesbury has requested 100% department maintenance of Reeves Street and this may be one reason for the submission of such a resolution. This is not possible under Department policy.

Reeves Street is a town-owned street, and as such, it should be maintained by the Town. In recognition of the fact that the street does serve as a connecting link for traffic travelling through Port Hawkesbury, the Department has included it in the standard Maintenance Agreement with the Town, and therefore pays a percentage of the maintenance costs. This Department cannot pay 100% of the cost of maintenance on a town street. In fact, Section 25 of the Public Highway Act limits my Department's shareability to an amount equal to the provincial proportion as determined from time to time by the Foundation Scale under the Education Act.

Resolution Number: 58(A69)

Submitted By: Town of Wolfville

PEDESTRIAN CROSSWALKS

BE IT RESOLVED that the Union of Nova Scotia Municipalities request the Province of Nova Scotia through its Department of Transportation and Communications to amend Section 113 of the Motor Vehicle Act by adding a subsection that provides that pedestrians be required to extend in front of them either their right or left hand when they are ready to step into a crosswalk and to keep said hand extended until at least half way through the crosswalk.

Response

Minister of Transportation and Communications
Honourable George Moody

The Minister indicated that the matter was under study by staff.